**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**
**APPELLATE SIDE**
**NAGPUR BENCH, NAGPUR**

**Second Appeal No. 396 of 2007**

Balkrushna Ganpatrao Gedam Vs. Jyoti Sahebrao Gedam

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Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders

Court's or Judge's orders

Shri Malode Adv. for appellant.

**CORAM: C. L. PANGARKAR J.**
**Dated: 28th November, 2007.**

**Heard. Plaintiff/respondent had instituted a suit for injunction restraining the defendants from interfering with her possession over the suit property which according to her was**

**gifted to by her father-in-law. She claimed to be in possession of the property. Although the trial Court dismissed the suit the first appellate Court has held that Ganpat was in possession and he delivered the possession to Jyoti the respondent. Ganpat has been examined in this case. Ganpat is alive. Ganpat is the Karta of joint family. He has every right to dispose of the property. If at all there was no partition the defendants have every right to institute a suit for partition and separate possession and for setting aside the alienation. In view of this no substantial question of law is involved. Appeal is dismissed in limine.**

**JUDGE**

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